

CITY OF NORWALK
THIRD TAXING DISTRICT
REGULAR MEETING
OCTOBER 7, 2002

ATTENDANCE: David L. Brown, Chairman; Stephen M. Feinstein,
Paul S. Coggin

STAFF: Ron Scofield, Ray Mitchell, Tim Lyons Lawrence P. Dennin,
District Counsel, Lovejoy and Rimer, P.C.

OTHERS: Joe Cristino, Consultant

The Chairman opened the meeting at 7:06 p.m.

PUBLIC COMMENT

Ms. Ana Aguilar, customer accounts representative, stated that she wrote a letter on September 19th to the Commissioners and others. She stated that no attention was given to the letter and no response was received. On September 25th, Mr. Scofield asked her to write off the amount of \$471.03 for Teddy's Limo Service and she refused to do so. She did not do so, because there was no documentation authorizing writing off the amount. She said her manager did process the verbal directive to write off the amount. She said, as president of the employee union, she did not want her colleague in trouble at a later time if another Commission is put into place and the write off were under question. She wanted it on the record that it was done at the direction of Chairman of this Commission.

Mr. Brown explained that it had to do with the temporary generator going into Rowan Street. He said it met all the regulation requirements of DEP regarding sound and environmental systems. Teddy's made an issue when the generator was running on test and objected to the noise and wanted to go to EPA regarding the unit. The simple solution to keep the issue from going forward to EPA was to give the client a credit for their bill for September 2002. The client was happy with the settlement. The loss of time and money involved by stopping the installation was of greater value than the write off of \$471.03 to the client.

Mr. Brown further stated he did not respond to the letter from Ms. Aguilar because she was Mr. Scofield's employee and the issue was between him as manager and her as employee. Her refusing to do what was requested was to be settled by him as manager. The letter should have come from the manager, not his subordinate.

Mr. Coggin asked whether other commissioners were called.

Mr. Brown stated that the amount was so small in the whole issue regarding the generator that he felt that the amount to be made in retaining the generator far exceeded the credit to the client. He made the decision solely.

Mr. Coggin asked the Attorney Dennin whether he had been contacted.

Attorney Dennin replied that he was not contacted.

Mr. Brown stated that he spoke with Dave Stern who gave input to the issue.

Mr. Scofield stated that he did write a letter to the client and issued the credit. He also annotated Ms. Aguilar's letter to the Commission.

Mr. Feinstein stated that he spoke to Ms. Aguilar and said that the write off should have been an issue that came before the entire Commission. He stated there are other clients right next to the generator and he felt that this was the wrong way to handle this situation with the complaint by Teddy's.

Ms. Aguilar stated her purpose was not to have Mr. Scofield in an adverse position in later years. She noted that she went back to the 1974 records to determine whether any write-offs given were presented and decided by the whole Commission. As president of the employee union, she wished to protect Mr. Scofield in future years.

Mr. Coggin stated that the Chairman's intentions were good, but so that it does not look like deals were being made the whole Commission should be involved. He hoped that in the future any situation like this would come before the full Commission.

Mr. Brown felt that waiting for 30 days for a formal meeting and not making the decision immediately would have cost the District large amounts of money. Mr. Brown said that he would take the blame for the decision and that Mr. Scofield would not be held responsible.

He further stated that the information presented should have come from line management, not from the employee demanding a response from the Commissioners.

Ms. Aguilar stated that she had no problem doing she directed on a daily basis. She said sometimes she takes the initiative and performs tasks without direction. She stated that in situations like this the District has to be very careful.

Mr. Brown stated that he commended Ms. Aguilar for bringing it to the Commissioners' attention, but not the way it was done.

Mr. Coggin agreed that the information should have come from Mr. Scofield directly, not from his subordinate. The chain of command should be followed.

The Chairman asked whether there were any other comments from the public. There being none, the meeting proceeded forward.

APPROVAL OF MINUTES OF SEPTEMBER 23, 2002

**** MR. FEINSTEIN MOVED ACCEPTANCE OF THE MINUTES
AS PRESENTED.**

**** MR. BROWN SECONDED.**

Mr. Brown stated that he would contact the Secretarial Services regarding the content of the minutes going forward. He referenced areas in the minutes where his comments were not properly recorded.

**** MR. FEINSTEIN WITHDREW HIS MOTION.**

Mr. Brown made the following corrections:

Spelling of McGuirk to be corrected throughout.

Page 1, under Replacement of the Digger Truck, line 1 should read, “Mr. Brown stated that this had been listed in the proposed Capital Budget...to be approved at the annual meeting.”

Page 5, 3rd paragraph, scraped should read “scrapped”

Page 6, 1st motion, three should be “two”

Last paragraph should read “Mr. Scofield said they should consider an automatic truck purchasing policy agreement.”

**** MR. BROWN APPROVED THE SEPTEMBER 23, 2002**

MINUTES WITH CHANGES.

**** MR. FEINSTEIN SECONDED.**

Mr. Feinstein and Mr. Coggin agreed with the changes and that there needs to be a change in the way meetings are interpreted in the minutes.

**** MOTION PASSED WITH ONE ABSTENTION (MR. COGGIN).**

DISCUSSION AND APPROVAL OF ADDITIONAL FUNDING FOR THE EAST AVENUE SUBSTATION

The Chairman stated that the \$35,000 that was approved by Mr. Feinstein and Mr. Brown turned out to be short sighted on face value. Another \$21,000 needs to be appropriated to complete the project. The total would be approximately \$56,000. The Chairman asked Mr. Cristino for his input.

Mr. Cristino stated that he reviewed his notes and documents for the budget that would bring in a contractor with a qualified person using Third Taxing District personnel. He referenced his 1994 records regarding the tap changer. His numbers were based on Third Taxing personnel and a company that would allow such an arrangement. He did not offer estimates on replacement parts. That is probably the other money that is involved. He said he had no reply from ABB as of March. TSI gave a proposal that did not include district personnel. He stated he was off by 50 percent on the project. He averaged \$50 per hour utilizing Third Taxing District personnel for hands on support. The history he has with the Third Taxing District is to use their personnel. He stated that Third Taxing District people are trained for emergencies and that is what he has always depended upon.

Mr. Brown asked if his proposals for other projects are realistic.

Mr. Cristino stated that he felt the quotes are solid. He said it depends on Third Taxing District's manpower availability.

Mr. Brown said that he had made logical projections, but asked if his estimates for other work is on target unlike the East Avenue project which is \$21,000 over.

Again, Mr. Cristino stated that if it goes to an outside contractor, not using Third Taxing District personnel, he would add 60% to the job.

Mr. Mitchell stated that the crew couldn't be tied up to the substation project only.

Mr. Brown stated that it was a legitimate oversight and that approval for \$21,000 to complete the job, which is ongoing, must be made.

Mr. Feinstein said that 60% over was steep. He felt that 15-20% would be more acceptable. He also stated that he never saw proposals from outside contractors. He stated that he had a problem with going 60% over after the fact. He also said the money has been spent and now the Commission is being asked to approve the expense.

Mr. Coggin said that if the situation were to develop again, Mr. Cristino needs to inform the full Commission or the office that the assumption no longer holds and what the cost would be.

Mr. Cristino again stated that he could not give a fixed price on parts now, as the project is ongoing. He was bringing this before the Commission tonight as the project is still ongoing. He stated the parts come directly from ABB because it is

their unit. They would also give the best pricing because they own the parts. He also stated until they go inside the unit they don't know what parts will be required.

Mr. Feinstein restated that the issue should come to the full Commission no matter what the amount is over budget. Mr. Feinstein said that there is no bid for this portion of the job. The three bids never came before the Commission.

Mr. Coggin agreed that the cost should come before the Commission for the amount, but the three bids come to the District and are documented by qualified individuals and they make the decision on the vendor.

Mr. Feinstein stated it is the Commission's responsibility to spend the money wisely and should see the three bids and determine which is the best and appropriate the money.

Mr. Brown stated that there were only two vendors who could do this job. The timing was short as well. He said that this was no precedence as other Commissions have acted in spending and approving money for projects. He said that Mr. Cristino has informed the Commission that this work needs to be done. He appreciated the concern of Mr. Feinstein of the 60 percent over run. He said that the money being asked for would have been seen in March if this information were known in advance.

Mr. Feinstein stated that the number for cost will come up again based on the information that Mr. Cristino gave at this meeting.

Mr. Brown stated that the decision will save the infrastructure with Mr. Cristino coming forward to tell the Commission that the transformer must be put on line and changes made that are years old in the making. He said that the amount of \$21,000 is minor compared to what could be lost if the transformer stops working.

Mr. Feinstein said there is a duty to keep the lights on and spend the clients' money wisely within the District and he did not know if that was what was being done in this case. He questioned whether there are other vendors and installers to do this job. Had it been known that it would be \$56,000 it might have been approved earlier. Now there is no assurance that this is the final figure.

Mr. Coggin summarized that if more time were spent reviewing the project, it could be determined exactly what is needed.

Mr. Cristino said that as their consultant, there are policies and procedures in place and they may not have been followed. He did not know the bid was awarded to TSI. He had no quote for the replacement parts. He stated that possibly TSI could give the final numbers this week. This has not been a typical project for the District. The replacement of the insulators is vital. He said it is an expensive move.

Mr. Mitchell noted that a deficiency was found when they went into the

Mr. Coggin said that what he heard that they have to move forward. There needs to be accountability; using the best vendors; using the policy as much as possible; document the fact that there are the most number of bids and be sure that all that could be done is done. In addition to information on the project supplied by Mr. Cristino, Mr. Coggin asked that a final number be developed so that the Commission is fully apprised. He asked if the information is gathered over the next week would it hold up the project.

Mr. Cristino replied it would not hold up progress. Mr. Mitchell stated that TSI has submitted approximately \$9,000 in service fees on the project.

Mr. Coggin said to develop a composite of what is done, what needs to be done and the costs involved would be required. Mr. Coggin asked if Mr. Feinstein if that would suffice to get the documentation in place in the next two weeks.

Mr. Feinstein said he was distraught and said to Mr. Cristino that he needed to see everything laid out and that was not what the Commission has had since March. He stated he was not happy.

Mr. Scofield asked whether the District did not follow the suggestion of Mr. Cristino as he gave as consultant for the work.

Mr. Coggin said he fully supported getting the work done and the policy that was approved initially must be followed.

Mr. Brown stated that his point of view regarding the project is that they it is of highest priority by the consultant. He said if this became an emergency, there would be no vendor bids, but given to whomever can repair the situation. He stated that with Mr. Cristino's unforeseen occurrences and an increase in cost is minor in comparison with the fact that the project needs to be done. The project is years in being accomplished. In the future, the Commission must take a better look at the proposals for detail. He said that this is an emergency and the money should be funded.

Mr. Coggin agreed that the Commission has come a long way in the last year. He thinks that there just needs to be some buttoning up of some lose ends. This is no bad reference to any one on the Commission. He asked that the Commission spend a couple of weeks to pull the documentation together and put approvals in place as long as there is no pending emergency.

**** MR. COGGIN MOVED THAT MR. CRISTINO PUT**

TOGETHER A DOCUMENT PACKAGE SHOWING THE UNFORESEEN SITUATION AND THE ESTIMATED COST TO FINISH THE JOB INCLUDING ANY OTHER BIDS NEEDED OR WHY THEY COULD NOT BE GATHERED, WITHIN THE NEXT TWO WEEKS, TO BE REVIEWED AND VOTED UPON AT THE NEXT MEETING.

**** MR. BROWN SECONDED.**

**** MOTION PASSED WITH ONE ABSTENTION**

(MR. FEINSTEIN).

**** MR. BROWN MOVED TO SUSPEND THE RULES TO ADD A**

PROPOSED METER AUDIT DISCUSSION TO THE AGENDA.

**** MR. COGGIN SECONDED.**

**** MOTION PASSED WITH ONE VOTE IN OPPOSITION**

(MR. FEINSTEIN).

Mr. Brown stated that NE Generation performed the SNEW meter audits. The money spent by SNEW would be returned in two or three years. The projected return for the Third Taxing District would be one to two years for the number of meters audited in the District. They process four meters per day. A District meter reader goes out with them to see what they do. There are incorrect billings that would pay for this process two times over. These are the only people who do this type of auditing. Eighty-six commercial accounts have been identified for this audit. There would be 12 to 14 residential properties in the audit as well.

Mr. Coggin agreed that it is a good idea to do the audit. Mr. Coggin asked Attorney Dennin what the procedure would be since there is only one company that performs this task.

Attorney Dennin stated to advertise the project and if only one bid is received that is the answer. He also suggested advertising in the trade literature.

Mr. Brown said the cost is relatively low. He stated that current employees could learn from this experience.

**** MR. COGGIN MOVED THAT MR. SCOFIELD ADVERTSE
THE PROJECT IN THE LOCAL PAPERS TO OBTAIN TWO ADDITIONAL BIDS
ON THE SAME SPECIFICATIONS FOR METER VALIDATION.**

Mr. Scofield stated that 100 was the base number to use to test. Mr. Scofield asked whether the local and trade papers should be used. It was suggested that the best source be used.

Mr. Scofield asked whether the general meter reading for billing would be accomplished if one of the readers accompanies the individual.

Mr. Brown suggested that the District give the schedule to the vendor to avoid backing up daily activities.

Mr. Lyons noted that this vendor has been previously used at 25 Van Zant Street to validate the meter readings.

**** MR. BROWN SECONDED.**

**** MOTION PASSED WITH ONE ABSTENTION**

(MR. FEINSTEIN).

RESOLUTION TO ADD DAVID BROWN AS A DIRECTOR ON THE CMEEC BOARD

**** MR. FEINSTEIN RESOLVED THAT DAVID L. BROWN,**

CHAIRMAN OF THE THIRD TAXING DISTRICT COMMISSION, BE APPOINTED TO SERVE THE UNEXPIRED TERM OF VICTOR TENORE AS A REPRESENTATIVE TO THE CMEEC BOARD OF DIRECTORS FOR THE TERM REMAINING FROM OCTOBER 1, 2002 AND EXPIRING ON DECEMBER 31, 2002.

**** MR. COGIN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

DISCUSSION AND APPROVAL OF A NEW METER TRUCK

Mr. Brown stated that this was tabled until figures were gathered on how much expense was put into the existing truck. Miller Ford responded to the request by phone, but no further information was given in writing. McMahon Ford sent in a written proposal. The net cost at retail is \$24,252 for the new truck with a reduction to approximately \$18,000. Mr. Brown stated that Mr. Scofield suggested that a policy be developed that would remove a truck when it reaches a certain set of criteria.

Mr. Coggin asked about ad-ons such as lights, spotlights, radio, traffic advisor arrows and decals. The items may increase the cost by \$1,300. With the trade-in the amount for approval would be \$22,000.

Mr. Lyons noted that the accessories would not be purchased from the dealer, but through another source used by the District.

**** MR. BROWN MOVED TO APPROVE \$22,000, WITH ACCESSORIES, FOR THE PURCHASE OF A NEW F-350 FORD PICK-UP TRUCK.**

**** MR. COGGIN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

REQUEST FOR CHANGE OF POLICY REGARDING AGENDA ITEMS RECEIVED FROM THE COMMISSIONERS – BEING BROUGHT TO THE TABLE BECAUSE OF THE LACK OF A STARING DATE

Mr. Brown referenced the need to change the agenda item submission date. The motion made on September 23, 2002, stated “repeal” and this was not the intent. The Commissioners discussed the policy change for submission.

Mr. Coggin suggested incorporating the changes into the former policy. There was question regarding how FOI affected the changes. No answer was given to clarify the issue.

**** MR. COGGIN MOVED TO TABLE THE ITEM.**

**** MR. BROWN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Scofield will follow FOI in putting the agenda together for the next meeting.

DISCUSSION AND APPROVAL OF DISTRICT CHAIRMAN AS LIAISON BETWEEN THE COMMISSION AND THE OFFICE MANAGER

**** MR. COGGIN MOVED APPROVAL OF THE DISTRICT CHAIRMAN AS LIAISON BETWEEN THE COMMISSION AND THE OFFICE MANAGER.**

**** MR. BROWN SECONDED.**

Mr. Brown stated that this is designed to develop a transfer of information between the general manager and the Commission.

Mr. Scofield asked that direction come from one individual on the Commission. He stated there are items that do not require a Commission meeting to handle them. Decisions to be made on a day-to-day basis should be done with authorization and communication between one individual on the Commission.

Mr. Brown stated that in the former Commission, there was no communication between the commissioners and the general manager and this was something he wished to avoid during this tenure.

Mr. Feinstein said that he does not take anything personally regarding transfer of information. He stated that decisions are made and he is aware after the fact. These decisions are made by the general manager and chairman without the other commissioners' knowledge. He also stated that Mr. Scofield is being paid to make decisions and why was that done if he is not going to be allowed to make the day-to-day decisions. He said he felt that it would not work to have the Chairman be the liaison between the general manager and himself.

Mr. Coggin inquired of Attorney Dennin what the position of liaison between the general manager and the Chairman might include.

Attorney Dennin responded that the two individuals cannot have a private conversation on public information.

Mr. Coggin stated that the liaison is a conduit of information.

Mr. Brown stated that the contract with the former general manager was exclusive and he would not perform duties directed by the Commissioners and the contract did not work. The Commission has the right to direct the general manager. Mr. Brown stated that he would direct the general manager and he has no right to make decisions on his own. He asked Mr. Scofield if he felt there were decisions he did not want to make.

Mr. Scofield said that this had been discussed previously. There are some items that he felt he should not make, i.e., a truck purchase. There is a gray area in terms of what the Commission does and the general manager decides to do.

Mr. Brown stated that he had a problem with the overtime bill for office workers. Mr. Feinstein signs checks and it becomes a session with the accounts representative for a period of time on each visit. He asked that Mr. Feinstein consider the time spent and the effect on the overtime budget as his time with the employee takes away from their daily work.

Mr. Feinstein stated that he does go in daily, but he does not spend time with the staff each day.

**** MR. COGGIN WITHDREW THE MOTION.**

**** MR. BROWN WITHDREW THE SECOND.**

**** MR. COGGIN MOVED APPROVAL OF THE DISTRICT**

CHAIRMAN AS LIAISON BETWEEN THE COMMISSION AND THE OFFICE MANAGER, HOWEVER, WITH THE FOLLOWING UNDERSTANDING:

1. THIS BASICALLY MEANS THAT THIS INDIVIDUAL IS A CONDUIT TRANSFERRING INFORMATION BETWEEN THE COMMISSION AND THE OFFICE MANAGER; AND

2. SECONDLY THE CHAIRMAN STRONGLY ERR ON THE SIDE OF BRINGING ANY ITEM TO THE FULL COMMISSION FOR DISCUSSION AND APPROVAL.

**** MR. BROWN SECONDED.**

Mr. Feinstein stated that it is not legal for Mr. Brown to be a conduit. The information has to be presented to the full commission, as it is public information.

Both Mr. Brown and Mr. Coggin stated they spoke with FOI who gave them a level of comfort that that it is not illegal and Attorney Dennin confirmed the same.

Mr. Feinstein said that his concerns are the same as in his earlier discussion on this item prior to this motion.

**** MOTION PASSED WITH ONE VOTE IN OPPOSITION**

(MR. FEINSTEIN).

REPLY TO THE DISCUSSION OF DAILY OPERATIONS OF THE ELECTRICAL DEPARTMENT

This item was not discussed.

**** MR. COGGIN MOVED TO SUSPEND THE RULES TO**

INCLUDE A DISCUSSION REGARDING THE 51 VAN ZANT STREET STEERING COMMITTEE.

**** MR. BROWN**

**** MOTION PASSED WITH ONE VOTE IN OPPOSITION**

(MR. FEINSTEIN).

Mr. Coggin stated that this committee was developed to handle the ADA update of the East Norwalk Library. That Committee has been without a chairman for some time. He said this Commission must find a chairman as mandated by the meeting last march. He asked that Commissioners try to identify people to be a new chairman and put him in place within the next month. It may be just assigning an existing member as chairman. This is an open item that must be addressed.

This was one of the MOUs of March 2002 and it would be neglect by the electors to leave it incomplete. Mr. Scofield was asked to place this item on the agenda for October 21 and notify the present members of the steering committee. Terry Rooney will also be contacted regarding this issue.

Mr. Coggin expressed that he had no names to put forward and he did not want the current steering committee members to think there was a list of candidate for discussion that night. The intent is for them to bring information for candidates to the discussion.

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ADJOURN

**** MR. FEINSTEIN MOVED TO ADJOURN.**

**** MR. COGGIN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The Chairman closed the meeting at 9:20 p.m.

Respectfully submitted,

Alvina L. Richardson

Telesco Secretarial Services

